

Remarks

Claims 14-16 and 23 have been rejected as being anticipated by Weber et al., Claims 17 and 18 have been rejected as being obvious over Weber et al. in view of Brown, and Claims 19-24 have been rejected as being obvious over Weber et al. in view of McConnell.

Independent Claim 14 now requires at least one rigid plate as disclosed on page 5, last two lines, in marked contrast to Weber et al., the relied-upon "plates" of which must be flexible as taught in col. 3, line 6 continuing to col. 4, line 5 to support rolling up the device as intended in the Abstract and elsewhere in Weber et al. Accordingly, not only is amended Claim 14 no longer taught by Weber et al., it is not suggested by it, either, since modifying Weber et al. to have a rigid plate would defeat the principal purpose and mode of operation of Weber et al. and, hence, would be improper, MPEP §2143.01 (citing In re Gordon and In re Ratti). For this reason, the claims are patentable.

Additionally, certain allegations in the Office Action regarding dependent claims are incorrect.

It has been alleged that the bleed orifice means of Claim 16 "is necessary" in Weber et al. "to provide an operative device". This rejection evidently is one of inherency. To be inherent, a device must *necessarily* function as alleged, MPEP §2112. Weber et al. as admitted by the Examiner does not teach the claimed orifice, and moreover it does not necessarily require an orifice, because (1) Weber et al. can still function as a keyboard without deflating it after initial inflation; and (2) if it is desired to deflate Weber et al. post-inflation there are ways other than bleed orifices to do so, e.g., by disconnecting a tube from the inlet 44 (Figure 5a). Accordingly, the rejection of Claim 16 is legally deficient.

With respect to the rejection of Claims 17 and 18 based on a combination of Weber et al. and Brown, there is no fair prior art suggestion to combine the two as proposed because Weber et al. is directed to keyboards and Brown is directed to establishing a static position of a bed mattress, and to boosting a person up and off of a chair. Establishing a static position of a bed and boosting people off chairs is not pertinent to the keyboard field of Weber et al. That raises the question, where is there a *prior art* suggestion to combine the controller of Brown with the device of Weber et al.? The proffered suggestion - that the controller taught by Brown improves typing efficiency - plainly does not come from Brown, since it nowhere mentions a keyboard or anything like it, and it plainly does not come from Weber et al., since the examiner admits that a controller is missing altogether from Weber et al. That leaves, as the sole remaining source for the proffered suggestion, the knowledge of one of ordinary skill in the art, MPEP §2143.

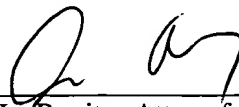
The suggestion to combine references may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or in some cases from the nature of the problem, but "more often [the suggestion] comes from the teachings of the pertinent references". The range of sources available does not diminish the requirement for *actual evidence*, and "broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence", In re Dembiczak, 175 F.3D 994, 50 U.S.P.Q.2d 1614 (Fed. Cir. 1999). As set forth in Dembiczak, "the best defense against the subtle but powerful attraction of hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references", Id. at 999, 50 U.S.P.Q.2d at 1617.

Here, absolutely no evidence has been adduced of record of any knowledge in the art that controllers in furniture-related devices can be used in keyboard-related devices. The proposed combination of Brown

with Weber et al. consequently lacks the requisite prior art suggestion and accordingly is legally deficient under the MPEP.

Turning to the rejection of Claims 19-24 based on a combination of Weber et al. with McConnell, used as a teaching of a support platform, nothing in the references motivates the skilled artisan to combine McConnell with Weber et al., for the simple fact that Weber et al. means to fold up its keyboard when not in use and McConnell seeks to provide a way to move a keyboard out of the way when not in use. Why would one be motivated to place the foldable keyboard of Weber et al. on the arm of McConnell to move it out of the way when not in use, since that problem is already addressed by the foldability of Weber et al.? Furthermore, because Weber et al. actually envisions portability (see, e.g., Weber et al., col. 2, lines 61-63; col. 2, lines 66 and 67; col. 3, lines 3-5; col. 6, lines 40-44), one would be motivated away from placing it on a fixture such as McConnell's (see MPEP §2142 *et seq.*, advising that all teachings must be considered in making a prima facie case of obviousness including those that teach away from an invention). Accordingly, for these additional reasons Claims 19-24 are patentable.

Respectfully submitted,



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